

by *Borella et al.* (US 6,353,614 B1), claims 6-7, 12, 15, 18 and 22 as obvious under 35 U.S.C. § 103 based on *Itoi* (US 6,456,625 B1) in view of *Tönnby et al.* (WO 97/47127), claims 4, 5, 16 and 19 as obvious under 35 U.S.C. § 103 based on *Itoi* (US 6,456,625 B1) in view of *Awdallah et al.* (US 6,449,251 B1), claims 4, 5, 16 and 19 as obvious under 35 U.S.C. § 103 based on *Itoi* (US 6,456,625 B1) in view of *Gerszberg et al.* (US 6,452,923 B1), claim 8 as obvious under 35 U.S.C. § 103 based on *Itoi* (US 6,456,625 B1) in view of *Tönnby et al.* (WO 97/47127) and further in view of *Szeliga* (US 6,067,353), and claim 8 as obvious under 35 U.S.C. § 103 based on *Itoi* (US 6,456,625 B1) in view of *Tönnby et al.* (WO 97/47127) and further in view of *Yee et al.* (US 5,946,384).

With respect to the rejection of claims 17-23 under 35 U.S.C. § 112, ¶ 1, the Advisory Action maintained that the router was not described in the specification. The specification has now been amended to indicate that the “IP routing means” recited in the claims as originally filed comprises processor 38, which has all the usual attributes of a router, including address translation in a DHCP/NAT submodule, as well as an IP routing submodule. Additionally, the subject claims have been amended to recite “routing means” instead of “router.” The written description requirement of 35 U.S.C. § 112, ¶ 1 is therefore satisfied, and the rejection is overcome.

Turning now to the rejection of claims 1-3, 9-11, 13, 14, 17, 20, 23, 25 and 26 under 35 U.S.C. § 102(e) as anticipated by *Itoi*, Applicants have amended independent claims 1, 9, 17, 25, and 26. Claim 1, as amended, recites “wherein the telephone interface means is adapted to **patch a call from the one telephone to the circuit switched telephone network** via the network interface means **upon a determination that no data connection is established to the circuit switched telephone network.**” Independent claim 9 now recites “wherein the telephone interface means is adapted to **passively patch a call from said telephone to the circuit**

switched telephone network via the network interface means.” Amended independent claim 17 recites “determining whether a **data connection is established with the circuit switched telephone network**” and “**patching a call initiated from the telephone to the circuit switched telephone network** via the network interface means based upon the determining step.” Claim 25 now includes the feature of “the plurality of interfaces support **patching a call from the telephone to the circuit switched telephone network upon a determination that no data connection is established to the circuit switched telephone network.**” Claim 26, as amended, recites “determining whether a **data connection is established with the circuit switched telephone network**” and “**patching a call initiated from a telephone to the circuit switched telephone network** based upon the determining step.”

By contrast, *Itoi* is directed to a system supporting speech over an analog telephone set or an internet phone device in a LAN telephone network (see Abstract). As evident from FIGs. 3A and 3B, and accompany text, the *Itoi* system strictly operates in a LAN environment without any connection to a “circuit switched telephone network,” as positively recited in the claims. For example, *Itoi* (col. 10, line 48 – col. 11, line 52), discloses a call control process as described in relation to Figure 10, solely in relation to telephone numbers corresponding to IP addresses, and therefore, cannot operate with a circuit switched telephone network.

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed in a prior art reference, based on the foregoing, it is clear that *Itoi* fails to anticipate independent claims 1, 9, 17, 25, and 26.

The Advisory Action also maintained the rejection of claims 25 and 26 under 35 U.S.C. § 102(e) as anticipated by *Borella et al.* Referring to FIG. 1 of *Borella et al.*, it is clearly shown that the SOHO LAN 12 strictly supports a data connection to the network access service provider 34 via a data connection between the routers 28 and 36. Thus, the *Borella et al.* system has no

need to, in fact cannot, provide the feature of **“determining whether a data connection is established with the circuit switched telephone network,”** much less **“patching a call initiated from the telephone to the circuit switched telephone network** via the network interface means **based upon the determining step.”** Therefore, *Borella et al.* cannot possibly disclose these claimed features; accordingly, the rejection under 35 U.S.C. § 102(e) cannot be sustained.

The other applied references of *Tönnby et al.*, *Awdallah et al.*, *Gerszberg et al.*, *Szeliga* , and *Yee et al.* do not fill in the gaps of *Itoi* or *Borella et al.* Notably, the Office Action applies *Tönnby et al.* for an analog telephone interface. Also, *Awdallah et al.* and *Gerszberg et al.* were applied for features relating to setting priority to the voice and data packets. Further, *Szeliga* and *Yee et al.* were cited for a supposed teaching of a visual call waiting indicator.

Therefore, independent claims 1, 9, 17, 25, and 26 are not anticipated or rendered obvious by the art of record. Accordingly, dependent claims 4-8, 10-16, and 18-24 are allowable for at least the reasons that the parent claims are allowable.

As regards newly added claims 27-29, these claims depend from allowable amended independent claims 1, 9, and 17, and thus, should be indicated as allowable.

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 425-8508 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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